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35.G2558

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Yuji SUDOH et al.)
Application No.: 09/532,022)
Filed: March 21, 2000)
For: EXPOSURE APPARATUS AND A)
DEVICE MANUFACTURING METHOD)
WHICH KEEP TEMPERATURE OF A)
DIAPHRAGM OF A PROJECTION OPTICAL :
SYSTEM SUBSTANTIALLY CONSTANT)
Examiner: C. Young
Group Art Unit: 1756
July 24, 2001

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The Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Applicants respectfully traverse the restriction requirement set forth in the Office

Action dated June 27, 2001.

In the Office Action, the Examiner sets forth a restriction requirement between two groups of claims. Group I, claims 1 through 11, is directed to directed to an exposure apparatus, classified in class 355, subclass 18. Group II, claims 12 through 22, is directed to a micro-device manufacturing method, classified in class 430, subclass 30.

U.S. Appln. No. 09/532,022
Docket: 35.G2558

The Examiner contends that the inventions of Groups I and II are related as process and apparatus for its practice and have acquired a separate status in the art due to different classification, such that the fields of search are not coextensive. These contentions are respectfully traversed.

Applicants note that the inventions of Groups I and II are so closely related in the field projection exposure, including keeping the temperature of a diaphragm substantially constant during an exposure operation, that a proper search of any of the claims would, of necessity, require a search of the others. Thus, it is submitted that all of the claims can be searched simultaneously, and that a duplicative search, with possibly inconsistent results, may occur if the restriction requirement is maintained.

Applicants submit that any nominal burden placed upon the Examiner to search an additional subclass or two, necessary to determine the art relevant to Applicants' overall invention is significantly outweighed by the public interest in not having to obtain and study several separate patents in order to have available all of the issued patent claims covering Applicants' invention. The alternative is to proceed with the filing of multiple applications, each consisting of generally the same disclosure, and each being subjected to essentially the same search, perhaps by different Examiners on different occasions. This places an unnecessary burden on both the Patent and Trademark Office and on Applicants.

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In the interest of economy, for the Office, for the public-at-large and for Applicants, reconsideration and withdrawal of the restriction requirement are requested.

Nevertheless, in order to comply with the requirements of 37 CFR 1.143, Applicants provisionally elect, with traverse, to prosecute the invention of Group I, namely claims 1 through 11.

Favorable consideration and an early passage to issue are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address listed below.

Respectfully submitted,



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